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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,397	07/24/2006	Makoto Tomioka	SCH-16628	1400

40854 7590 12/23/2008  
RANKIN, HILL & CLARK LLP  
38210 Glenn Avenue  
WILLOUGHBY, OH 44094-7808

EXAMINER
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NGUYEN, THONG Q

ART UNIT	PAPER NUMBER
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2872

MAIL DATE	DELIVERY MODE
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12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

Application No.

10/597,397

Examiner

Thong Nguyen

Applicant(s)

TOMIOKA, MAKOTO

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS filed on 11/27/08.
2. ☒ The allowed claim(s) is/are 1-2 and 4 which are renumbered as claims 1-3.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/27/08
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **DETAILED ACTION**

1. The present Office action is made in response to the filing of the Information Disclosure Statement filed by the applicant on 11/27/08. This Office action is used as a supplemental Notice of Allowance with the Notice of Allowance mailed to applicant on 12/3/2008.

#### ***Allowable Subject Matter***

2. Claims 1-2 and 4 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The relay set as recited in the independent claim 1 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 4,693,568 and 5,461,509 by the limitations related to the structure of the lens elements constituted each of the half set of the relay set. It is noted that while the use of a triplet in each of the half set of a relay set in an endoscope is known to one skilled in the art as can be seen in each of the mentioned reference; however, the cited art does not disclose the lens structure of each half set as recited in present claim 1, lines 8-16. In particular, the half set of the relay set as described in the Patent No. 4,693,568 and shown in fig. 2 does not disclose that the outer lens component is a cemented lens constituted by a plane-convex lens and a plane-concave lens. In the Patent No. 5,461,509, the half set of the relay set as described in column 2 and shown in figure 3 discloses a cemented lens constituted by a plane convex lens and a plane-concave lens; however, the outer lens is a plane-concave lens with a negative power and the middle lens is a plane-convex lens with a positive

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power. Both the two mentioned Patents do not disclose that the half set comprises an inner positive lens, a middle negative lens and an outer positive lens wherein the outer positive lens is a plane-convex lens, the middle lens is a plane-concave lens element and the outer lens and the middle lens are cemented to each other as claimed.

The prior art filed by applicant on 11/27/08 has been considered and are not sufficient by themselves or in combination with the art of record to reject the pending claims 1-2 and 4. The pending claims 1-sufficientre still allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thong Nguyen/  
Primary Examiner, Art Unit 2872